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U.S. PTO

Patent
Attorney Docket: 844,004-308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 844,004-308
First Named Inventor: Robert B. Hammond et al.
Prior Application Information:
Serial No. 10/393,089
Examiner: Louis Arana
Art Unit: 2859

Commissioner for Patents
MAIL STOP PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

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FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation divisional continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/393,089 filed on March 19, 2003, now allowed.

**ROBERT B. HAMMOND, JONATHAN Z. SUN, DOUGLAS J. SCALAPINO,
TIMOTHY W. JAMES, and LINCOLN C. BOURNE**, entitled:

**TUNABLE SUPERCONDUCTING RESONATOR AND METHODS OF
TUNING THEREOF**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV337191195US

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April 12, 2004

Date of Deposit

IR1:1052824.1

Denise N. Doss

Name of Person Mailing Paper

Denise N. Doss

Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

- 20 Page(s) of Written Description
2 Page(s) of Claims
1 Page(s) of Abstract
7 Sheet(s) of Drawings formal informal
1 Power of Attorney (copy from prior application)
4 Page(s) of Declarations (copies from prior application [37 CFR §1.63(d)])
- An Information Disclosure Statement and PTO SB/08A.
 Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$770.00
Total Claims	8	-	20	=	0	x \$18.00
Independent Claims	1	-	3	=	0	x \$86.00
Multiple Dependent Claims	\$290	(if applicable)			<input type="checkbox"/>	0
TOTAL OF ABOVE CALCULATIONS						\$770.00
Reduction by ½ for Filing by Small Entity.					<input checked="" type="checkbox"/>	385.00
Misc. Filing Fees (Recordation of Assignment)						0
TOTAL FEES DUE SUBMITTED HEREWITH						\$385.00

III. PRIORITY - 35 USC § 119

- Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
- The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- The certified copy will follow.

IV. AMENDMENTS

- Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- Relate back information included in the specification and is as follows:
- This Application is a continuation of U.S. Application Serial No. 10/393,089, filed March 19, 2003, now allowed, which is a continuation of U.S. Application Serial No. 09/970,842, filed on October 3, 2001, now issued as U.S. Patent No. 6,538,445, which itself is a continuation of U.S. Application Serial No. 07/934,921, filed on August 25, 1992, now issued as U.S. Patent No. 6,335,622, which itself is a continuation-in-part of U.S. Application Serial No. 07/719,736, filed on June 24, 1991, now issued as U.S. Patent No. 5,328,893. The above-identified Applications and issued patents are incorporated by reference as if set forth fully herein.--
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- the same
- less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

VI. METHOD OF PAYMENT OF FEES

- Attached is a check in the amount of \$_____.
- Charge O'Melveny & Myers Deposit Account No. **502862** in the amount of **\$385.00**
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit O'Melveny & Myers' Deposit Account No. **500639** or any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **500639**:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.

- A new power has been executed and is attached.

Please send all correspondence and direct all inquiries to David B. Murphy at:

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PATENT TRADEMARK OFFICE
O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending prior application until _____. A copy of the petition for extension of time in the prior application is attached.
- A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 4/12/04

By: David Murphy
David B. Murphy
Reg. No. 31,125

DBM/dnd

Enclosures

Superconductor Technologies, Inc.

Name of Assignee

460 Ward Drive, Suite F, Santa Barbara, CA 93111-2310

Address of Assignee

Robert Hammond, Chief Technology Officer

Title of person authorized to sign on behalf of assignee

Recorded in PTO: October 13, 1992 at Reel 6366, Frame 0063